

**CALENDAR ITEM**

**C46**

A 33

10/16/15

PRC 9134.1

S 16

R. Collins

**AMENDMENT OF LEASE**

**LESSEE:**

Stephen Doyle Anthony and Roxanne Marie Anthony, Trustees of the Anthony Living Trust

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Colorado River, adjacent to 1182 Beach Drive, City of Needles, San Bernardino County.

**AUTHORIZED USE:**

Use and maintenance of riprap bankline with electrical lighting appurtenances.

**LEASE TERM:**

10 years, beginning June 19, 2014.

**CONSIDERATION:**

Public use and benefit, with the State reserving the right to set a monetary rent if it is determined to be in the best interests of the State.

**PROPOSED AMENDMENT:**

Amend the Lease to:

1. Allow for the construction, use, and maintenance of an aluminum sun deck, stairway, walkway, and gangway with railing and a floating walkway and boat dock;
2. Set the annual rent at \$491 per year, effective June 19, 2016, to include the new improvements;
3. Include Special Provisions related to the construction of the improvements; and
4. Replace Exhibit A, Land Description, and Exhibit B, Site and Location Map with new Exhibits A and B.

CALENDAR ITEM NO. **C46** (CONT'D)

All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Lessee owns the upland adjoining the lease premises.
2. On June 19, 2014, the Commission authorized a General Lease – Protective Structure Use to Stephen Doyle Anthony and Roxanne Marie Anthony, Trustees of the Anthony Living Trust, for existing riprap bankline with electrical lighting appurtenances.
3. On December 5, 2012, the Commission authorized staff to resume processing applications for boat docks in the Rio Buena Vista community on a case-by-case basis consistent with the Commission's practices on leasing on inland waterways and the public trust needs in the area. The Lessee is now applying to amend the lease to add an aluminum sun deck, stairway, walkway, and gangway with railing and a floating walkway and boat dock. Commission staff has evaluated the proposed improvements, and believes they are consistent with the Commission's direction, and therefore recommends approval. To accommodate these improvements, the lease area will be expanded to include an area identified as "Parcel 2" within Exhibits A and B.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C46** (CONT'D)

**FURTHER APPROVALS REQUIRED:**

U.S. Bureau of Reclamation  
U.S. Army Corps of Engineers  
California Department of Fish and Wildlife

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

**AUTHORIZATION:**

Authorize the amendment of Lease No. PRC 9134.1, a General Lease - Recreational and Protective Structure Use, effective October 16, 2015, to allow for the construction of an aluminum sun deck, stairway, walkway, and gangway with railing and a floating walkway and boat dock, and to include special provisions related to the construction of boat docks; rent in the amount of \$491 per year, effective June 19, 2016; replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only); all other terms and conditions of the lease will remain in effect without amendment.

## **EXHIBIT A**

**PRC 9134.1**

### **LAND DESCRIPTION**

Two parcels of State owned land adjacent to Lot 18 of Tract No. 15640 as shown on Tract Map recorded in Book 261, Pages 88 through 94, inclusive of Maps, in the Office of the County Recorder of San Bernardino County, State of California, described as follows:

#### **PARCEL 1**

BEGINNING at the easterly corner of said Lot 18; thence northwesterly along the northeasterly line of said lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 40° 58' 03" W 36.57 feet; thence N 55° 01' 49" W 8.82 feet to the northerly corner of said lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said lot N 41° 11' 45" E 75.00 feet; thence S 01° 20' 52" E 66.55 feet to the intersection with the northeasterly prolongation of the southeasterly line of said lot; thence southwesterly along said northeasterly prolongation S 41° 11' 45" W 30.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying waterward of the toe of revetment adjacent to said Lot 18.

#### **PARCEL 2**

BEGINNING at the easterly corner of said Lot 18; thence northwesterly along the northeasterly line of said lot, said line also being the Agreed Boundary Line as described in Exhibit A of Document Number 92-333250, recorded on August 11, 1992, Official Records of said County, N 40° 58' 03" W 36.57 feet; thence N 55° 01' 49" W 8.82 feet to the northerly corner of said lot; thence leaving said northeasterly line and said Agreed Boundary Line, along the northeasterly prolongation of the northwesterly line of said lot N 41° 11' 45" E 90.00 feet; thence S 50° 02' 22" E 45.01 feet to the intersection with the northeasterly

prolongation of the southeasterly line of said lot; thence southwesterly along said northeasterly prolongation S 41° 11' 45" W 95.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within above described PARCEL 1.

### **END OF DESCRIPTION**

This description is based on Applicant provided design drawings for a proposed floating boat dock, gangway, walkway together with any and all appurtenances pertaining thereto, to build at a later date within the Lease time frame. This description is to be updated once as-built plans are submitted.

Prepared 07/28/15 by the California State Lands Commission Boundary Unit



NO SCALE

## SITE

COLORADO RIVER

### **LEASE PARCEL 2**

(PROPOSED FLOATING BOAT DOCK, WALKWAY, GANGWAY WITH RAILING, FLOATING WALKWAY AND IMPACT AREA)

### **LEASE PARCEL 1**

(EXISTING RIPRAP BANKLINE WITH ELECTRICAL APPURTENANCES, STAIRS & PROPOSED ALUMINUM DECK WITH RAILING)

AGREED BOUNDARY LINE

APPROXIMATE  
TOE OF REVETMENT

APPROXIMATE  
TOP OF REVETMENT

PUBLIC PEDESTRIAN  
ACCESS EASEMENT

APN 0186-273-17

1182 BEACH DRIVE, NEEDLES

NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

## **Exhibit B**

PRC 9134.1

ANTHONY TRUSTEES

APN 0186-273-17

GENERAL LEASE -  
RECREATIONAL AND  
PROTECTIVE STRUCTURE USE  
SAN BERNARDINO COUNTY  
COUNTY



TS 05/06/14